

### REMARKS

This Request for Reconsideration is filed in response to the non-final Office Action mailed August 10, 2005 in which claims 1-14 were rejected.

With that Office Action, the Examiner has maintained the same ground of rejection but introduced another prior art reference (Vudali et. al.) in combination with the already introduced Alperovich reference.

Applicants have reviewed the Office Action and the new reference in combination with Alperovich and are of the opinion that this newly introduced prior art reference fails to cure the deficiencies of the Alperovich reference in view of the claimed subject-matter, contrary to what is asserted in the present Office Action.

Specifically, the introductory part of the Vudali reference (see columns 1 and 2 thereof) seems to be concerned with the handling of an overload situation with respect to incoming transactions received at a home location register and a mobile switching center, respectively (see e.g. column 2, lines 9 to 22). This means that the messages considered by the Vudali reference concern transactions in connection with a call request, but no messages including user determined contents, which situation is rather considered with the present application (see column 1, lines 63 to 67 of the Vudali reference: “*When the queuing delay exceeds a threshold, the peripherals stop sending the CPU transactions relating to the initiation of new calls*”).

Accordingly, already from this difference, applicants hold that whichever kind of a record the home location register according to the Vudali reference includes (see column 3, lines 5/6 “*The HLR portion includes means for storing HLR configuration information*”), this record clearly does not contain information “*about certain addresses with which a message communication is not allowed*” as is defined in the present independent claims 1, 7 and 11. Even if one might consider that the Alperovich reference includes a disclosure to that extent which is not admitted, it should however be pointed out that Alperovich does not disclose that said decision step and said preventing step are done in a switching center where said record is kept. According to the definition set forth in the present claims, the decision step and

the preventing step interact with said record being kept in said switching center. This means that the Vudali reference clearly refers to a different record than the Alperovich reference does so that a combined consideration of these two prior art references cannot suggest this interaction of the decision step and the preventing step with a record in a switching center as defined by the present claims.

In other words, the combination of Alperovich and Vudali et al does not result in or even lead to all of the features of the claimed invention and the Patent Office has not established a *prima facie* case of obviousness, as required.

Apart from that, it seems to be clear from an overall consideration of the teaching conveyed by the Vudali reference that a message communication is prevented or throttled according to an overload condition and not with respect to certain addresses. Hence, it is not apparent to applicants in which manner the Examiner considers the Alperovich reference and the Vudali reference to be connected so that a skilled person would take a combined consideration of these two prior art references into consideration, and by what process a person of ordinary skill would attempt to combine these two teachings and how exactly such a person would be able to arrive at the claimed subject-matter.

As a still different consideration, it has above all to be noted that the teaching conveyed by the Vudali reference is strongly bound to the concept that a home location register is considered (which is integrally implemented with a mobile switching center). From both sections "Summary of the invention" and "Description of preferred embodiments" of the Vudali reference, it is clear that an overload condition in a mobile switching center as well as an overload condition in a home location register has to be considered. However, the applicants are of the opinion that this means that the teaching of Vudali as a whole is bound to the limitation of a message communication restriction involving a home location register.

In contrast thereto, the present invention as claimed enables that the respective decision and preventing step is taken in a switching center independently of the presence of a home location register and/or of the fact that the decision and preventing step has also to be taken in a home location register. The Examiner is again referred to the pertinent passages of the International Preliminary Examination Report mentioned in the paragraph bridging pages 3 and 4 of the response filed

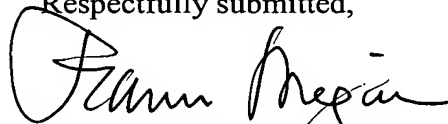
February 2, 2005. Moreover, the HLR and the MSC of Vudali et al both contain load throttling features that are integrated to enhance efficiency as mentioned by the Examiner as providing a motivation to combine but it has to be pointed out that the prior art MSC of the environment of the invention did not have the feature now claimed for it so there is no efficiency obtained by harmonizing any such nonexistent feature with any similar HLR feature.

In summary, applicants believe that also the newly presented combination of references fails to disclose or suggest the feature combination as presently defined in the claims.

Therefore, applicants are still of the opinion that the subject-matter of the presently claimed invention is not obvious from the prior art cited in the US examination proceedings.

The objections and rejections of the Office Action of August 10, 2005, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-14 to issue is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire", written over a circular stamp.

Francis J. Maguire  
Attorney for the Applicant  
Registration No. 31,391

FJM/mo  
Ware, Fressola, Van Der Sluys & Adolphson LLP  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
(203) 261-1234